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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 8:18-cv-01178-JLS-DFM

Date: July 16, 2018

Title: Guy Salazar v. Univac Foils Corporation et al

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Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:      ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR LACK OF  
SUBJECT MATTER JURISDICTION**

A plaintiff must plead subject matter jurisdiction in its complaint. *See Rilling v. Burlington N. R. Co.*, 909 F.2d 399, 400-01 (9th Cir. 1990). The Court may raise the issue of subject matter jurisdiction at any time, sua sponte. *See U.S. Catholic Conference v. Abortion Rights Mobilization*, 487 U.S. 72, 79 (1988). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

Generally, subject matter jurisdiction is based on the presence of complete diversity between the parties, *see* 28 U.S.C. § 1332, or on the presence of an action arising under federal law, *see* 28 U.S.C. § 1331. Here, Plaintiff alleges federal subject matter jurisdiction under based on diversity. (Compl. ¶ 1, Doc. 1.) However, Plaintiff further alleges that he and Defendant Univac Foils Corporation are both citizens of California. (*Id.* ¶¶ 3-4.) It therefore appears to the Court that complete diversity does not exist.

Accordingly, the Court **ORDERS** Plaintiff to show cause in writing within **fourteen (14) days** of this Order why this action should not be dismissed without prejudice for lack of subject matter jurisdiction. Failure to respond by the above date will result in immediate dismissal of the action.

Initials of Preparer: tg